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STATE OF ILLINOIS

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ILLINOIS
COMMERCE COMMISSION

SOUTHEASTERN ILLINOIS ELECTRIC)
COOPERATIVE, INC.,)

Complainant-Counter Respondent,)

vs.)

ILLINOIS POWER COMPANY,)

Respondent-Counter Complainant.)

DOCKET NO. 00-0583

SOUTHEASTERN ILLINOIS ELECTRIC COOPERATIVE, INC.
ANSWER TO COUNTER CLAIM BY
ILLINOIS POWER COMPANY

SOUTHEASTERN ILLINOIS ELECTRIC COOPERATIVE, INC., (SouthEastern)
Complainant-Counter Respondent by its attorneys GROSBOLL, BECKER, TICE & REIF,
attorney Jerry Tice of counsel and JAMES H. SMITH, P.C., in Answer to the Counter Claim
filed by ILLINOIS POWER COMPANY (IP) Respondent-Counter Complainant states as
follows:

1. SouthEastern admits the allegations of paragraph 1 of the IP Counter Claim.
2. SouthEastern admits the allegations of paragraph 2 of the IP Counter Claim.
3. SouthEastern admits the allegations of paragraph 3 of the IP Counter Claim.
4. SouthEastern admits the allegations of paragraph 4 of the IP Counter Claim.
5. SouthEastern has insufficient information with which to either admit or deny the
allegations of paragraph 5 of the IP Counter Claim and therefore denies the same.

SouthEastern affirmatively states that Sugar Camp Coal L.L.C., is not the same entity as
Arclar Company which latter entity is the entity which has requested electric service from

SouthEastern at the Willow Lake Mine Portal and/or Portal No. 3, located in the Southwest Quarter of Section 1 and the Southeast Quarter of Section 2, Township 9 South, Range 7 East Cottage Township, Saline County, Illinois for the purpose of mining coal.

6. SouthEastern denies the allegations of paragraph 6 of the IP Counter Claim.

7. SouthEastern admits that Section 1 of the Agreement defines "new customer" as "any person, corporation or entity, including an existing customer who applies for electric service at a point of delivery not energized or not in existence on the affective date of this agreement.". SouthEastern further states that the Agreement and the applicable provisions thereof speaks for itself. SouthEastern denies each and every one of the remaining allegations of paragraph 7 of the IP Counter Claim. SouthEastern further affirmatively states that Arclar Company is the entity requesting service at the Willow Lake Mine, Portal No. 3 at the location hereinbefore described and that Arclare intends to take Electric Service from an electric service point of delivery which was energized and/or in existence on the effective date of the Agreement to-wit: May 22, 1968.

8. SouthEastern admits that Section 4 of the Agreement sets forth rights of both SouthEastern and IP to serve customers whose points of delivery are located within the respective service areas of SouthEastern and IP but the language of Section 4 of the Agreement speaks for itself. SouthEastern Denies each and every one of the remaining allegations of paragraph 8 of the IP Counter Claim.

9. SouthEastern admits that IP has incorporated provisions from Section 8 of the Electric Supplier Act 220 ILCS 30/8 in paragraph 9 of the IP Counter Claim but SouthEastern states that such reference to Section 8 of the Act does not allege facts and therefore SouthEastern is not required to deny such allegations. SouthEastern does deny each and every

one of the remaining allegations of paragraph 9 of the IP Counter Claim and specifically denies the allegation that IP is entitled to provide electric service to Sugar Camp Coal, L.L.C. by virtue of Section 8 of the Act.

10. SouthEastern has insufficient information with which to either admit or deny the allegations of paragraph 10 and therefore denies the same.

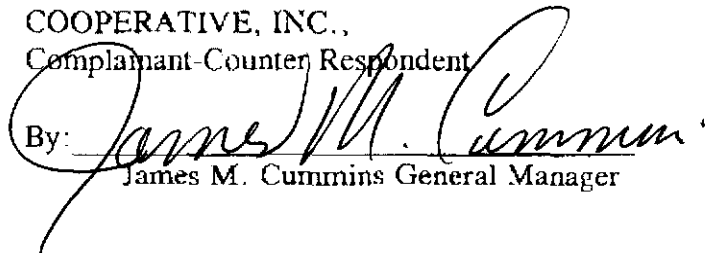
11. SouthEastern denies the allegations of paragraph 11 of the IP Counter Claim.

12. SouthEastern denies that as between IP and SouthEastern, IP can provide electric service to the customer for less additional investment. SouthEastern further states that the customer has requested SouthEastern to provide electric service from an existing SouthEastern point of delivery already utilized by the customer and that the customer will pay for the cost of extension of such service. SouthEastern denies each and everyone of the remaining allegations of paragraph 12 of the IP Counter Claim.

WHEREFORE, SouthEastern Illinois Electric Cooperative, Inc., requests the Illinois Commerce Commission to deny the prayer of the Illinois Power Company Counter Claim, to dismiss the same and for such additional relief as the Commission may deem just and appropriate.

SOUTHEASTERN ILLINOIS ELECTRIC
COOPERATIVE, INC.,
Complainant-Counter Respondent

By:


James M. Cummins General Manager


STATE OF ILLINOIS)

: SS

COUNTY OF SALINE)

JAMES M. CUMMINS, being first duly sworn upon his oath, deposes and states that he is the General Manager of SOUTHEASTERN ILLINOIS ELECTRIC COOPERATIVE, INC., in the above entitled cause of action, that he has read the above and foregoing Answer to Counter Claim by him subscribed and that he has knowledge of the facts and circumstances stated in the foregoing Answer to the Illinois Power Company Counter Claim and that the same are true to the best of his knowledge, information and belief.

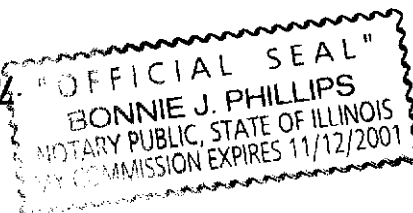
information and belief.


James M. Cummins

Subscribed and Sworn to before me this

16th day of April, 2007

Lonnie J. Phillips
Notary Public



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PROOF OF SERVICE

I, JERRY TICE, hereby certify that on the 19th day of April, 2001, I deposited in the United States mail at the post office at Petersburg, Illinois, postage fully paid, a copy of the document attached hereto and incorporated herein, addressed to the following persons at the addresses set opposite their names:

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